

REMARKS

I. Status and Disposition of the Claims

Claims 20-76 are pending in this application. Claims 27-44, 46, and 47 are withdrawn from consideration by the Examiner. Applicants respectfully acknowledge that claims 20-26, 45, 48-54, and 69-76 are allowed. However, claims 55-57, 59, 66, and 67 are rejected, and claims 58, 60-65, and 68 are objected to.

Without prejudice or disclaimer, claim 55 is amended herein. Since the February 27, 2007, proposed amendment of claim 55 was not entered (Mar. 14, 2007, Advisory Action at 1), claim 55 has been amended based on the previously-entered form of claim 55 (*see* October 29, 2004, Preliminary Amendment). Claim 55 has been amended to incorporate the limitation of claim 60, and now specifies that the cosmetic composition comprises (1) at least one latent pigment; (2) at least one compound chosen from monoalcohols and polyols that are liquid at 25°C and surfactants; and (3) at least one acidifying agent chosen from mineral and organic acidifying agents. Support for this amendment can be found in the specification and claims as-filed, for example claim 60. As a result of this amendment, claim 60 has been cancelled without prejudice or disclaimer. Accordingly, no new matter has been added.

As an initial matter, Applicants acknowledge the Examiner's maintenance of the applied Election of Species. Aug. 31, 2006, Final Office Action at 2. Regardless, Applicants continue to traverse the Restriction Requirement as applied in this application for the reasons of record, which are specifically incorporated herein by reference. Further, Applicants once again remind the Examiner of his duty to expand

his search to a "reasonable number of species," as provided in M.P.E.P. § 808.02 and 35 U.S.C. § 121.

II. Rejection under 35 U.S.C. § 102(b)

The Examiner maintains the rejection of claims 55-57, 59, 66, and 67 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,160,037 for the reasons set forth in the Final Office Action dated August 31, 2006. *See* Aug. 31, 2006, Final Office Action at 2-3; *see also* Mar. 14, 2007, Advisory Action at 2. Claims 58, 60-65, and 68 are objected to by the Examiner as dependent upon a rejected base claim, but would be allowable if re-written in independent form. *See* Aug. 31, 2006, Final Office Action at 2; *see also* Mar. 14, 2007, Advisory Action at 2.

In their Amendment and Response Under 37 C.F.R. § 1.116 dated February 27, 2007, Applicants amended claim 55 to include the limitation of allowable claim 60. In the Advisory Action, the Examiner maintains the rejection because "the amended claim 55 recites a choice of compounds to select from such as mono alcohols and polyols and not acidifying agents specifically." Mar. 14, 2007, Advisory Action at 2. Applicants respectfully disagree and traverse. However, in order to advance prosecution, and without acquiescing to the Examiner's rejection, Applicants further amend claim 55 in this response to recite that the cosmetic composition comprises (1) at least one latent pigment; (2) at least one compound chosen from monoalcohols and polyols that are liquid at 25°C and surfactants; and (3) at least one acidifying agent chosen from mineral and organic acidifying agents. Accordingly, this rejection is now moot and Applicants respectfully request that the Examiner withdraw this rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

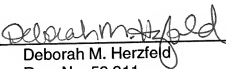
If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, he is respectfully urged to contact Applicants' undersigned counsel at 202-408-4368.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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